

# **EXHIBIT “B”**

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JARIELLY RIVERA	:	NO: 2023-SU-000715
Plaintiff	:	
	:	
VS	:	
	:	
YORK COUNTY AGRICULTURAL SOCIETY	:	
d/b/a YORK STATE FAIR	:	
YORK EXPO CENTER;	:	
YORK FAIR – YORK EXPO CENTER;	:	
YORK STATE FAIR; STRATES SHOWS, INC.	AND :	
	:	
Defendants	:	JURY TRIAL DEMANDED

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against the claims set forth against you in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a default judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Lawyer Referral Service of the  
York County Bar Association  
York County Bar Center  
137 East Market Street  
York, Pa. 17401  
Telephone No. (717) 854-8755

**AVISO**

**USTED HA SIDO DEMANDADO EN LA CORTE.** Si usted desea defenderse de las quejas expuestas en las paginas siguientes, debe tomar accion dentro de veinte (20) dias a partir de la fecha en que recibio la demanda y el aviso. Usted debe presentar comparecencia escrita en persona o por abogado y presentar en la Corte por escrito sus defensas o sus objeciones a las demandas en su contra.

Se le avisa que si no se defiende, el caso puede proceder sin usted y la Corte puede decidir en su contra sin mas aviso o notificacion por cualquier dinero reclamado en la demanda o por cualquier otra queja o compensacion reclamados por el Demandante. **USTED PUEDE PERDER DINERO, O PROPIEDADES U OTROS DERECHOS IMPORTANTES PARA USTED.**

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI USTED NO TIENE O NO CONOCE UN ABOGADO, VAYA O LLAME A LA OFICINA EN LA DIRECCION ESCRITA ABAJO PARA AVERIGUAR DONDE PUEDE OBTENER ASISTENCIA LEGAL.**

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JARIELLY RIVERA : NO: 2023-SU-000715  
Plaintiff :  
VS :  
YORK COUNTY AGRICULTURAL SOCIETY :  
d/b/a YORK STATE FAIR :  
YORK EXPO CENTER; :  
YORK FAIR – YORK EXPO CENTER; :  
YORK STATE FAIR; AND :  
STRATES SHOWS, INC. :  
Defendants : JURY TRIAL DEMANDED

**COMPLAINT**

AND COMES NOW, the Plaintiff, Jarielly Rivera, by and through her attorneys, Evan J. Kline, Esquire, and Katherman Briggs & Greenberg, and files the following Complaint:

1. The Plaintiff, Jarielly Rivera, is an adult individual who resides at 55 Talbot Street, Brooklyn, MD 21225.
2. The Defendant, York County Agricultural Society d/b/a York State Fair/York Expo Center is a business entity organized and existing under the laws of the Commonwealth of Pennsylvania, with a business address of 334 Carlisle Avenue, York, York County, PA 17404.
3. The Defendant, York Fair – York Expo Center is a business entity organized and existing under the laws of the Commonwealth of Pennsylvania, with a business address of 334 Carlisle Avenue, York, York County, PA 17404.
4. The Defendant, York State Fair, is a business entity organized and existing under the laws of the Commonwealth of Pennsylvania, with a business address of 334 Carlisle Avenue, York, York County, PA 17404.

5. The Defendant, Strates Shows, Inc., is a corporation organized and existing under the laws of the State of Florida, with a principal place of business at 10600 South Orange Avenue, Orlando, FL 32824.

6. At all times relevant, the above Defendants acted through their employees, authorized agents, and/or servants in the daily operation of their respective businesses.

7. On or about July 28, 2021, a sunny day, the Plaintiff, along with other family members, was enjoying the York State Fair in York County, PA, where they had arrived at approximately 3:00 p.m.

8. On July 28, 2021, at approximately 4:45 p.m., the Plaintiff was by the ferris wheel when it began to drizzle, which was followed immediately by a pouring rain with hail and severe winds.

9. The force of the impending storm caused tents and awnings to collapse, blow over, and blow about the fairgrounds area.

10. While attempting to get to a safe, covered location for herself and other family members, including small children in strollers, the Plaintiff and other members of her family were struck by a large metal object.

11. As a result of the large metal object striking the Plaintiff, she sustained serious personal injuries, including but not limited to, injuries to her head, shoulder, knees, soft tissue injuries, and various other ills and injuries.

12. As a result of this incident, Plaintiff has incurred medical expenses in the treatment, medication, and other miscellaneous expenses for her injuries and may continue to incur medical expenses in the future treatment of her injuries.

13. As a result of this incident, Plaintiff sustained or may sustain losses for which the following are legally recoverable categories of damages:

- a. Past and future pain and suffering;
- b. Past and future embarrassment, humiliation, and mental anxiety;
- c. Past and future incidental costs;
- d. Past and future loss of life's enjoyment; and
- e. Past and future loss of earnings and earning capacity.

**COUNT I – JARIELLY RIVERA v YORK COUNTY AGRICULTURAL SOCIETY  
d/b/a YORK STATE FAIR – YORK EXPO CENTER**

14. The Defendant, York County Agricultural Society d/b/a York State Fair – York Expo Center, exercises exclusive management, control, and/or possession of the premises upon which the York State Farm operates located at Carlisle Avenue, York, York County, PA.

15. The Defendant is responsible for the safety practices and procedures of the activities, including the vendors and invited public, upon their premises during the run of the York State Fair.

16. On or about July 28, 2021, the Plaintiff was a fair invitee of the Defendant and was enjoying the fair activities on said date.

17. The Plaintiff's injuries were the direct and proximate result of the Defendant's negligence and carelessness in failing to maintain the environment of the fair in a safe manner for the invited public and specifically the Plaintiff.

18. The Defendant knew or should have known of the dangerous weather conditions impending on the exact geographical location of the York Fair activities and the danger that the impending weather imposed on the general public.

19. The Defendant, at all times relevant, acted through its employees, authorized agents, and/or servants in the ownership and general operation of the premises on which the York Fair was held and was responsible to make certain that all set-ups on the premises by fair vendors, which was made available to the general public, was adequate to provide a safe environment for the general public.

20. The aforesaid incident which occurred to the Plaintiff and the resulting injuries and damages, were the direct and proximate result of the negligence and carelessness of the Defendant, consistent with the following:

- a. Failing to warn the fair invitees, and the Plaintiff specifically, of the severe thunderstorm warning that had been issued for York County;
- b. Failing to warn the fair invitees, and the Plaintiff specifically, of the predicted 20 to 40 mph winds and severe storm warnings which had been issued through Doppler radar for the West York, York County area where the fair was under way;
- c. Failure of the Defendant to have procedures in place to monitor potential severe weather during the run of the Fair;
- d. Failure of the Defendant to have procedures in place to adequately warn the fair invitees, and the Plaintiff specifically, that impending severe weather conditions were imminent;
- e. Failure of the Defendant to provide a safe environment for the fair invitees, and the Plaintiff specifically, at all times during the run of the fair; and
- f. Creating a dangerous environment for the Plaintiff and other invited general public by failing to ensure that the vendors upon their property provided a safe environment for the fair invitees.

g. Creating a dangerous environment for the Plaintiff and other invited general public by failing to ensure that property objects at the fair, including concession stands, were set up and secure in a safe and secure manner so as to avoid harm in any way to the general public.

21. The severe storm which struck York County, PA without prior warning being given to the fair invitees caused a dangerous condition and posed an unreasonable risk of injury to Plaintiff and others.

22. The metal object striking the Plaintiff was owned by and in the possession and control of the Defendant.

23. The negligence and carelessness of the Defendant was the direct and proximate cause of the injuries and damages sustained by the Plaintiff.

WHEREFORE, Plaintiff, Jarielly Rivera, demands judgment against the Defendant, York County Agricultural Society d/b/a York State Fair – York Expo Center, for compensatory damages in an amount in excess of the arbitration threshold, together with interest, costs of suit, and delay damages.

#### **COUNT II – JARIELLY RIVERA v YORK FAIR – YORK EXPO CENTER**

24. The allegations of the preceding paragraphs of this Complaint are incorporated herein by reference.

25. The Defendant, York Fair – York Expo Center, exercises exclusive management, control, and/or possession of the premises upon which the York State Farm operates located at Carlisle Avenue, York, York County, PA.

26. The Defendant is responsible for the safety practices and procedures of the activities, including the vendors and invited public, upon their premises during the run of the York State Fair.

27. On or about July 28, 2021, the Plaintiff was a fair invitee of the Defendant and was enjoying the fair activities on said date.

28. The Plaintiff's injuries were the direct and proximate result of the Defendant's negligence and carelessness in failing to maintain the environment of the fair in a safe manner for the invited public and specifically the Plaintiff.

29. The Defendant knew or should have known of the dangerous weather conditions impending on the exact geographical location of the York Fair activities and the danger that the impending weather imposed on the general public.

30. The Defendant, at all times relevant, acted through its employees, authorized agents, and/or servants in the ownership and general operation of the premises on which the York Fair was held and was responsible to make certain that all set-ups on the premises by fair vendors, which was made available to the general public, was adequate to provide a safe environment for the general public.

31. The aforesaid incident which occurred to the Plaintiff and the resulting injuries and damages, were the direct and proximate result of the negligence and carelessness of the Defendant, consistent with the following:

- a. Failing to warn the fair invitees, and the Plaintiff specifically, of the severe thunderstorm warning that had been issued for York County;
- b. Failing to warn the fair invitees, and the Plaintiff specifically, of the predicted 20 to 40 mph winds and severe storm warnings which had been issued through Doppler radar for the West York, York County area where the fair was under way;
- c. Failure of the Defendant to have procedures in place to monitor potential severe weather during the run of the Fair;

d. Failure of the Defendant to have procedures in place to adequately warn the fair invitees, and the Plaintiff specifically, that impending severe weather conditions were imminent;

e. Failure of the Defendant to provide a safe environment for the fair invitees, and the Plaintiff specifically, at all times during the run of the fair; and

f. Creating a dangerous environment for the Plaintiff and other invited general public by failing to ensure that the vendors upon their property provided a safe environment for the fair invitees.

g. Creating a dangerous environment for the Plaintiff and other invited general public by failing to ensure that property objects at the fair, including concession stands, were set up and secure in a safe and secure manner so as to avoid harm in any way to the general public.

32. The severe storm which struck York County, PA without prior warning being given to the fair invitees caused a dangerous condition and posed an unreasonable risk of injury to Plaintiff and others.

33. The metal object striking the Plaintiff was owned by and in the possession and control of the Defendant.

34. The negligence and carelessness of the Defendant was the direct and proximate cause of the injuries and damages sustained by the Plaintiff.

WHEREFORE, Plaintiff, Jarielly Rivera, demands judgment against the Defendant, York Fair – York Expo Center, for compensatory damages in an amount in excess of the arbitration threshold, together with interest, costs of suit, and delay damages.

### **COUNT III – JARIELLY RIVERA v YORK STATE FAIR**

35. The allegations of the preceding paragraphs of this Complaint are incorporated herein by reference.

36. The Defendant, York State Fair, exercises exclusive management, control, and/or possession of the premises upon which the York State Farm operates located at Carlisle Avenue, York, York County, PA.

37. The Defendant is responsible for the safety practices and procedures of the activities, including the vendors and invited public, upon their premises during the run of the York State Fair.

38. On or about July 28, 2021, the Plaintiff was a fair invitee of the Defendant and was enjoying the fair activities on said date.

39. The Plaintiff's injuries were the direct and proximate result of the Defendant's negligence and carelessness in failing to maintain the environment of the fair in a safe manner for the invited public and specifically the Plaintiff.

40. The Defendant knew or should have known of the dangerous weather conditions impending on the exact geographical location of the York Fair activities and the danger that the impending weather imposed on the general public.

41. The Defendant, at all times relevant, acted through its employees, authorized agents, and/or servants in the ownership and general operation of the premises on which the York Fair was held and was responsible to make certain that all set-ups on the premises by fair vendors, which was made available to the general public, was adequate to provide a safe environment for the general public.

42. The aforesaid incident which occurred to the Plaintiff and the resulting injuries and damages, were the direct and proximate result of the negligence and carelessness of the Defendant, consistent with the following:

- a. Failing to warn the fair invitees, and the Plaintiff specifically, of the severe thunderstorm warning that had been issued for York County;
- b. Failing to warn the fair invitees, and the Plaintiff specifically, of the predicted 20 to 40 mph winds and severe storm warnings which had been issued through Doppler radar for the West York, York County area where the fair was under way;
- c. Failure of the Defendant to have procedures in place to monitor potential severe weather during the run of the Fair;
- d. Failure of the Defendant to have procedures in place to adequately warn the fair invitees, and the Plaintiff specifically, that impending severe weather conditions were imminent;
- e. Failure of the Defendant to provide a safe environment for the fair invitees, and the Plaintiff specifically, at all times during the run of the fair; and
- f. Creating a dangerous environment for the Plaintiff and other invited general public by failing to ensure that the vendors upon their property provided a safe environment for the fair invitees.
- g. Creating a dangerous environment for the Plaintiff and other invited general public by failing to ensure that property objects at the fair, including concession stands, were set up and secure in a safe and secure manner so as to avoid harm in any way to the general public.

43. The severe storm which struck York County, PA without prior warning being given to the fair invitees caused a dangerous condition and posed an unreasonable risk of injury to Plaintiff and others.

44. The metal object striking the Plaintiff was owned by and in the possession and control of the Defendant.

45. The negligence and carelessness of the Defendant was the direct and proximate cause of the injuries and damages sustained by the Plaintiff.

WHEREFORE, Plaintiff, Jarielly Rivera, demands judgment against the Defendant, York State Fair, for compensatory damages in an amount in excess of the arbitration threshold, together with interest, costs of suit, and delay damages.

**COUNT IV – JARIELLY RIVERA v STRATES SHOWS, INC.**

46. The allegations of the preceding paragraphs of this Complaint are incorporated herein by reference.

47. The Defendant, Strates Shows, Inc., is a carnival midway company providing rides, games, and concession stands for local, county, and state fairs throughout the United States.

48. On or about July 28, 2021, the Defendant had rides, games, and concession stands throughout the premises located at 334 Carlisle Avenue, York, PA for the run of the York State Fair.

49. The Plaintiff's injuries were the direct and proximate result of the Defendant's negligence and carelessness in failing to maintain their stands at the Fair in a safe manner for the invited public and specifically the Plaintiff.

50. The Defendant, at all times relevant, acted through its employees, authorized agents, and/or servants in the ownership and general operation of their rides, games, and concession stands and were responsible for all fair set-up on the premises, which was made available to the general public.

51. The aforesaid incident which occurred to the Plaintiff and the resulting injuries and damages, were the direct and proximate result of the negligence and carelessness of the Defendant, consistent with the following:

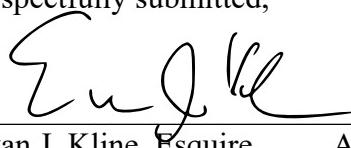
- a. Failing to adequately set up their stands in a safe and secure manner so as to not cause harm to the general public;
- b. Failure of the Defendant to have procedures in place to monitor and secure their stands in the event of severe weather during the run of the Fair;
- c. Failure of the Defendant to provide a safe environment for the fair invitees, and the Plaintiff specifically, at all times during the run of the fair; and
- d. Creating a dangerous environment for the Plaintiff and other invited general public by failing to ensure that their property, including concession stands, were set up and secure in a safe and secure manner so as to avoid harm in any way to the general public.

52. The metal object striking the Plaintiff was owned by and in the possession and control of the Defendant.

53. The negligence and carelessness of the Defendant was the direct and proximate cause of the injuries and damages sustained by the Plaintiff.

WHEREFORE, Plaintiff, Jarielly Rivera, demands judgment against the Defendant, Strates Shows, Inc., for compensatory damages in an amount in excess of the arbitration threshold, together with interest, costs of suit, and delay damages.

Respectfully submitted,

  
Evan J. Kline, Esquire      Atty ID 70283  
Attorney for Plaintiff  
110 North George Street, 3<sup>rd</sup> Floor  
York, PA 17401  
(717) 848-3838 – Phone  
(717) 854-9172 – Fax  
[ekline@kbglaw.com](mailto:ekline@kbglaw.com)

**VERIFICATION**

I verify that the foregoing facts are true, upon my personal knowledge or information and belief. This Verification is made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn Falsification to authorities.

DATE: 04/14/23  
Jarielly R.  
JARIELLY RIVERA

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents



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Evan J. Kline #70283

Katherman Briggs & Greenberg  
110 North George Street, 3<sup>rd</sup> Floor  
York, PA 17401

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CIVIL DIVISION

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Plaintiff	:
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VS	:
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YORK COUNTY AGRICULTURAL SOCIETY	:
d/b/a YORK STATE FAIR	:
YORK EXPO CENTER;	:
YORK FAIR – YORK EXPO CENTER;	:
YORK STATE FAIR; AND	:
STRATES SHOWS, INC.	:
Defendants	: JURY TRIAL DEMANDED

**CERTIFICATE OF SERVICE**

AND NOW, this 17th day of April, 2023, I hereby certify that a copy of this Complaint, above-captioned, was served by electronic mailing to the following:

Maureen E. Daley, Esquire  
The Widener Building  
1339 Chestnut Street – 16<sup>th</sup> Floor  
Philadelphia, PA 19107  
[mdaley@rawle.com](mailto:mdaley@rawle.com)

and served by First Class United States mail to the following:

York County Agricultural Society d/b/a York State Fair – York Expo Center  
York Fair – York Expo Center  
York State Fair  
334 Carlisle Avenue  
York, PA 17404

Respectfully submitted,

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Evan J. Kline, Esquire      Atty ID 70283  
Attorney for Plaintiff  
110 North George Street, 3<sup>rd</sup> Floor  
York, PA 17401  
(717) 848-3838 – Phone